

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division**

UNITED STATES OF AMERICA <i>ex rel.</i>)	
ELGASIM MOHAMED FADLALLA, <i>et al.</i> ,)	
)	
Plaintiff-Relators,)	
v.)	Case No. 8:15-cv-01806-PX
)	
DYNCORP INTERNATIONAL LLC, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN

Pursuant to the operative Scheduling Order (ECF 546), Relators Elgasim Mohamed Fadlalla, *et al.* (“Plaintiff/Relators”) and Defendants DynCorp International, LLC; Global Linguist Solutions, LLC; AECOM National Security Programs, Inc.; TigerSwan, Inc.; ThomasWright, Inc.; Shee Atika Languages, LLC; Invizion, Inc.; and KMS Solutions, LLC (“Defendants”) (together hereinafter the “Parties”) submit the following Joint Status Report.

The Parties are pleased to report that they are in agreement on all issues with one exception. As set forth below, Defendants request permission to file three summary judgment motions totaling 130 pages whereas Plaintiffs believe that the Court should limit Defendants to 90 total pages for their summary judgment motions.

I. Deadline for Requests for Admission

The schedule sets a deadline of July 19, 2024 for the parties to serve request for admission, and the Parties have met that deadline.

To avoid any uncertainty and promote efficiency, the Parties request that the Court confirm their understanding that the July 19 deadline is limited to requests for admission pursuant to Fed. R. Civ. P. 36(a) and does not include requests for admission pursuant to Rule 36(b) relating to the

authenticity or admissibility of exhibits at trial. The parties ask that the Court not set a deadline for such requests until closer to trial.

II. Summary Judgement Briefing Schedule

The parties respectfully request that the Court order the following briefing schedule to apply to motions for summary judgment:

- September 30, 2024 Opening briefs
- December 20, 2024 Opposition briefs
- February 28, 2025 Reply briefs

III. Page Limits for Proposed Summary Judgment Motions

To facilitate adjudication of issues raised in the Parties' forthcoming summary judgment motions, the Parties request that they be granted relief from the page limits set forth in the Local Rules so that they may file consolidated motions (with no accompanying separate statements of material fact).

A. Plaintiff/Relators' Summary Judgment Motion(s)

Plaintiffs seek authorization to file summary judgment motion(s) with the following *aggregate* page limits:

- Plaintiffs' opening brief(s): **75 pages**
- Defendants' opposition(s): **75 pages**
- Plaintiffs' reply(ies): **38 pages**

Defendants do not oppose the proposed 75 page request.

Plaintiffs/Relators expect to file a single, omnibus summary judgment motion, but request flexibility to allocate the proposed 75 pages to no more than three separate topic-based motions if they conclude that doing so provides for a more efficient presentation of the issues to the Court. Defendants also do not oppose this request.

B. Defendants' Summary Judgment Motion(s)

Defendants seek authorization to file as many as three consolidated summary judgment motions with the following *aggregate* page limits:

- Defendants' opening briefs: **130 pages** (to be allocated across briefs as Defendants choose)
- Plaintiffs'/Realtors' oppositions: **130 pages** (to be allocated across briefs as Plaintiffs choose)
- Defendants' replies: **65 pages** (to be allocated across briefs as Defendants choose)

1. Defendants' Position

Defendants submit that this amount of briefing is reasonable in light of both the need to include a recitation of material facts in the briefs themselves and the number and complexity of the issues to be briefed, as described further below. Defendants submit that such consolidated briefing would avoid duplication of arguments across the briefs that otherwise would be filed separately by seven different Defendants, who Defendants submit would be entitled to file a total of 210 pages for their opening briefs alone, as opposed to the 130 pages proposed herein.

The issues on which Defendants intend to move include the following:

- Original source status: All Defendants intend to argue that the Relators cannot proceed with their False Claims Act claims on the ground that the allegations were publicly disclosed before Relators filed suit and Relators are not original sources of the information underlying their claims, as required by 31 U.S.C. § 3730(e)(4).
- False Claims Act claims against all Defendants: All Defendants intend to argue that Plaintiffs cannot proceed with their claims that Defendants engaged in a scheme to defraud the government about the role played by small business subcontractors in the contract awarded to Defendant Global Linguist Solutions ("GLS") to provide linguists for the war effort in Iraq and Kuwait.
- Other claims against the GLS Defendants: The GLS Defendants (Global Linguist Solutions, DynCorp, and AECOM) intend to submit a separate motion seeking summary judgment on Plaintiffs' claims of violations of the Trafficking Victims Protection Reauthorization Act and their related False Claims Act claims. The

alleged facts supporting those claims have little, if any, relationship to the small business-related claims addressed above.

2. Plaintiff/Relators' Position

Plaintiff/Relators do not oppose Defendants' request to file three summary judgment motions as outlined above, but submit that a total of 130 pages is excessive and that Defendants should be limited to 90 pages total for their three summary judgment motions to be allocated as they choose (with Plaintiffs to have 90 pages for their oppositions and Defendants to have 45 total pages for their replies).

IV. Motions to limit or exclude experts

To promote efficiency, the Parties propose to postpone briefing of motions to limit or exclude experts until closer to trial unless a party seeks to use testimony from an expert in connection with a brief in support of or in opposition to summary judgment. The Parties further propose that if expert testimony is so used, the party using the expert testimony should give the other side ten days' advance notice and the opposing party be allowed 30 days after filing to move to limit or exclude the testimony of the cited expert. The Parties propose that such motions be governed by the Local Rules as to the timing and length of briefing unless the Court orders otherwise.

V. Referral to a Magistrate Judge for a settlement conference

The parties do not agree on referral to a magistrate judge for a settlement conference at this time, but advise that they have engaged in private mediation and may renew such efforts.

V. Proposed Order

The parties respectfully ask the Court to issue an Order memorializing the agreements set out above and resolving the dispute about page limits. A proposed order is attached as Exhibit 1 hereto.

July 19, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Bradley E. Markano
Bradley E. Markano